

\$ DAC
+ LPH
+ issue fee

PTO/SB/64 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
3Com-76(3106NMDUSP)

First named inventor: Hamish D.S. MARTIN

Application No.: 09./641,407

Art Unit: 2141

Filed: August 17, 2000

Examiner: Le Hien Luu

Title: A SYSTEM FOR IDENTIFYING SERVERS ON NETWORK BY DETERMINING DEVICES THAT HAVE THE HIGHEST TOTAL VOLUME DATA TRANSFER AND COMMUNICATE WITH AT LEAST A THRESHOLD NUMBER OF CLIENT DEVICES (as amended)

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on 03/29/2005 BABRAHA2 00000097 09641407
☐ is enclosed herewith.

01 FC:1453

1500.00 DP

B. The issue fee and publication fee (if applicable) of \$ 1,400.00.

☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Peter L. Michaelson

Signature

MARCH 25, 2005

Date

Peter L. Michaelson

Typed or printed name

30,090

Registration Number, if applicable

P.O. Box 8489, 328 Newman Springs Road, Parkway 109 Office Center

Address

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Address

Enclosures: ☒ Fee Payment

☒ Reply (Issue Fee Transmittal - PTOL-85, in dupl.)

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: postcard receipt, Cover Letter (in dupl.), Submission of Formal Drawings and two (2) sheets of drawings (FIGs 1-2)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

March 25, 2005

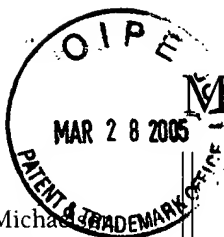
Date

Peter L. Michaelson

Signature

Peter L. Michaelson

Typed or printed name of person signing certificate



MICHAELSON & ASSOCIATES

March 25, 2005

Peter L. Michaelson
NJ, NY, PA, AK Bars
Arbitrator, Am. Arb. Assoc.
Fellow, Ch. Inst. Arb. (UK)

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the following utility patent application, we have enclosed herewith form PTOL-85 (in duplicate) and our check \$ 2,900.00 (\$1,400.00 for the issue fee due and \$1,500.00 for the petition to revive fee).

Applicants: **Hamish D.S. MARTIN, Iain HOGG,
Peter I. OLIVER, Ronald BROWN,
Mark A. PEARCE**

Atty. Doc.: **3Com-76 (3106MNDUSP)**

Serial No.: **09/641,407**

Filed: **August 17, 2000**

Group Art Unit: **2141**

Confirmation No.: **4676**

Examiner: **Le Hien Luu**

Title: **A SYSTEM FOR IDENTIFYING SERVERS ON NETWORK BY
DETERMINING DEVICES THAT HAVE THE HIGHEST TOTAL
VOLUME DATA TRANSFER AND COMMUNICATE WITH AT
LEAST A THRESHOLD NUMBER OF CLIENT DEVICES (as
amended)**

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732-224-0132 (ISDN)

Office also in:
Santa Clara, California

In the event this check is unacceptable, insufficient or is omitted, please charge any additional fee to our deposit account number 13-3083. To facilitate this charge, a duplicate copy of this letter is also enclosed herewith.

In connection with this application, we have also enclosed the following material herewith:

XX Check;
XX Postcard receipt;
XX Petition for Revival of an Application
for Patent Abandoned Unintentionally
under 37 CFR 1.137(b) (in duplicate);
XX Submission of Corrected Formal Drawing;
and
XX Formal drawing (2 Sheets of
corrected drawings - FIGs. 1-2).

Respectfully submitted,



Peter L. Michaelson, Attorney
Reg. No. 30,090
Customer No. 007265

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **March 25, 2005** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Attention: Office of Petitions, Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature

30,090

Reg. No.